

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

**August 31, 1999**

**FROM: JOHN D. GOSS**, Interim Director  
Land Use Services Department/Planning Division

**SUBJECT: REQUEST FOR MAJOR TEMPORARY SPECIAL EVENT PERMIT TO HOLD A 14-HOUR MUSIC FESTIVAL FOR UP TO 20,000 PERSONS ON LABOR DAY WEEKEND, FROM 5:00 P.M. ON SEPTEMBER 4, 1999 TO 7:00 A.M. ON SEPTEMBER 5, 1999, AT THE LAKE DELORES RESORT/WATER PARK ON 251.6 ACRES, IN THE HARVARD AREA.**

**RECOMMENDATION:** 1) **APPROVE** issuance of this Major Temporary Special Event Permit subject to completion of the required conditions of approval; 2) **ADOPT** the Findings for approval; and 3) **FILE** a Notice of Exemption.

**BACKGROUND INFORMATION:** The Lake Dolores Group (applicant) has submitted a request for a Major Temporary Special Event Permit (TSEP) to conduct a 14-hour outdoor electronic music festival for up to 20,000 persons on Labor Day Weekend, from 5:00 p.m. on September 4, 1999, to 7:00 a.m. September 5, 1999. The event would be held on vacant, graded property adjacent to the developed water park known as the Lake Dolores Rock-a-Hula Resort. The vacant land is part of the parcel on which the water park is located and is owned by the same persons - the Lake Dolores Group of Diamond Bar. The temporary facilities will include a maximum of six (6) stages, a 40' x 40' concessions tent, a production trailer, twenty-one (21) vendor booths, three rough-graded dirt parking lots, and a temporary six (6) foot high chain link fence. Activities will focus on pre-recorded electronically synthesized music played by disc jockeys at each of the stages, limited tent camping for approximately 75-100 persons, and a professional skateboard demonstration without audience participation.

The applicant held an outdoor music festival earlier this year without applying for the required major temporary special event permit (TSEP), on June 26 through 27, 1999, which was attended by over 10,000 persons. Many complaints were received by the Barstow Sheriff Station personnel from various individuals in the neighboring community, bringing that event to the County's attention. Following the non-permitted music festival held on June 26-27, 1999, the applicant was notified by County Code Enforcement staff, that any future concert involving an attendance of 500 to 5,000 persons would require the submittal and approval of a minor TSEP and that any anticipated attendance over 5,000 persons would require the review and approval of a major TSEP as provided in the County Development Code. Application forms were provided to the Water Park operators.

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Record of Action of the Board of Supervisors

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On July 21, 1999, as a result of receiving comments from area residents, staff contacted Lake Dolores Water Park personnel inquiring if a second music festival was being contemplated. Staff was informed that contracts had not been signed, but that such an event was being discussed for Labor Day Weekend. On July 21, 1999, staff again advised Water Park personnel that such an event required a Temporary Special Event Permit from the County.

Development Code Section 84.0745(b)(2) requires, and the applicant was so informed, that all major TSEP's be "*submitted at least one hundred and eighty (180) days in advance*". The major TSEP application for this event was first submitted on July 30, 1999. Frequently, as was the case in this situation, a first-time applicant is unaware of the required timing for submittal of a TSEP application and normally first approaches the County long after the deadline for submittal has passed. It has been a common practice for staff to accept the application, with the understanding that there may not be sufficient time to complete the TSEP review process and with the warning that no future application will be accepted unless it is submitted in the time period provided for in the Code. The applicant was informed that an effort would be made to process the TSEP application. Since it is a major TSEP, a public hearing before the Board of supervisors is required. Given the extreme lateness of the application submittal, there were no guarantees given to the applicant regarding issuance of the TSEP because it may not be possible to gather all the necessary information for preparation of an adequate report for presentation to the Board. Development Code Section 84.0745(e)(1) states that the Planning Division "*shall refer all Major event applications (events with attendance exceeding 5,000 persons) to the Board of Supervisors for public hearing with any proposed conditions and recommendations for action by said Board*".

The application has been reviewed by all appropriate departments and agencies. Each has provided comments and recommendations which have been identified in the discussions for each of the areas of concern which must be considered per Development Code Section 84.0745(j) governing the issuance of Major Temporary Special Event Permits. This document is on file with the Clerk of the Board. A brief summary of those comments and recommendations follows:

- The applicant will be entering into contractual agreements with the County Sheriff, California Highway Patrol, and the County Fire Department to provide enforcement and safety personnel on site during the event for security, traffic management, and fire prevention/suppression purposes.
- The applicant has been required to submit certain reports/studies prior to the beginning of the event. The qualified professionals (acoustical engineer, traffic engineer, electrical engineer, etc.) are currently preparing the necessary reports/studies and have indicated they will be available for staff review no later than August 23, 1999. Copies of these reports will be made available to Board members as soon as possible after they have been reviewed and determined to be adequate by the appropriate agency.
- Risk Management has reviewed the application and is satisfied that the applicant has obtained a \$10 million General Liability Insurance Policy naming the County as additional-insured.

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- In the Sheriff's response to the evaluation of the Temporary Special Event Permit application, dated August 13, 1999, the Sheriff's staff recommended that the permit be issued if further conditions are met with additional review by the Sheriff required. Concerns expressed in this report were: 1) "that the event on 6/26-27/99 showed some lack of experience on Lake Dolores' part, that lack of experience included inadequate parking of the incoming guests"; 2) that "due to the anticipated size of the event of 20,000 people and the fact that there is no way to predict whether that number will actually increase during the event, there is no way to predict the actual outcome of the crowd situation"; 3) that "the private security who is conducting pat-down searches on people as they enter cannot control all narcotics entering the facility"; 4) that the "Sheriff's Department received numerous complaints of noise from people living as much as 3-4 miles away from the previous event"; 5) that "other complaint calls regarding the previous event addressed trespassing on private property, blocking of roadways,...the huge amount of trash left after the event; and 6) that "Incidents that occurred during or after the event on 6/26-27/99 included two grand theft auto reports, nine vehicle burglaries, one graffiti report, two arrests for possession of methamphetamines, LSD, and ecstasy, six overdoses transported to the hospital, and a fatal traffic collision involving a 22-year old male". The Sheriff's report concluded that "If Lake Dolores and Insomniac attempt to reduce the influx of hallucinogenic drugs into the facility during the event and adequate parking containment of all the guests within the Lake Dolores property occurs, there will likely be few problems. There will, however, probably be multiple calls to the Sheriff's office complaining of loud music because it is open, flat desert area."
- One of the six stages is located inside the water park and the applicant proposes to allow access to that stage and use of the water park by festival patrons from 5:00 p.m. to 9:00 p.m. when the water park closes. On the other hand, general water park patrons would not be permitted access to the music festival area. Staff is recommending the addition of a condition which states "*The music festival patrons shall not be permitted access to the water park at any time during the hours the water park is open to the general public.*" (Condition No.4) *The concern is that the water park patrons are typically families with young children.*

To date, eight letters and numerous phone calls from property owners in the community have been received by staff opposing the issuance of the permit. Several of the callers indicated that they would not be able to attend the hearing due to old age, poor health, and lack of transportation. The concerns cited include, excessive noise which would impact residents, frighten their children and disturb their animals, fear that a criminal element will accompany the patrons of the festival into the community creating a disturbance of the peace and causing vandalism and physical harm to residents and their children, potential traffic accidents, drug overdoses, trash strewn throughout the neighborhood, trespass onto private property, graffiti, vandalism, and the refocusing of essential and scarce emergency personnel and equipment away from the local residents on this holiday weekend. These individuals are asking that if the application is not denied, that at least the Board will do everything possible to prevent the problems which occurred during the non-permitted June event.

The City of Barstow has reviewed the proposed conditions of approval and is satisfied with the security measures provided by the presence of the County Sheriff deputies and California Highway Patrol officers. The city had no other comment regarding the event.

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Development Code Section 84.0745(g) states that "*The County Board of Supervisors shall have ... final determination as to the granting of, denial of, and determining of conditions which may accompany any temporary special event permit. Where conditions are imposed by the Board of Supervisors, the applicant shall provide adequate proof to the Planning Director and the Sheriff that all such conditions have been met before Planning shall issue any temporary special event permit*". Staff has prepared a set of preliminary conditions for the proposed event. The conditions are divided into three categories: 1) Prior to the Event; 2) During the Event; and 3) After the Event. If the Board approves the issuance of the permit, the applicant and/or promoter will have to meet all conditions for the event.

REVIEW BY OTHERS: This item was reviewed by Deputy County Counsel Robin Cochran on August 24, 1999.

FINANCIAL IMPACT: The applicant will cause all costs associated with the processing and conduction of this Major Temporary Special Event Permit and Event to be paid in full.

SUPERVISORIAL DISTRICT(S): 1

PRESENTER: John D. Goss